

By Senator Burgess

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1                   A bill to be entitled  
2       An act relating to first responders and crime scene  
3       investigators; amending s. 112.1815, F.S.; defining  
4       the term "first responder"; amending s. 112.18155,  
5       F.S.; authorizing certain diagnoses to be made through  
6       telehealth; removing a cross-reference; creating s.  
7       112.18156, F.S.; defining terms; providing that  
8       posttraumatic stress disorder suffered by a crime  
9       scene investigator is a compensable occupational  
10      disease under certain circumstances; authorizing  
11      certain diagnoses to be made through telehealth;  
12      specifying the evidentiary standard for demonstrating  
13      such disorder; specifying that benefits do not require  
14      a physical injury and are not subject to certain  
15      apportionment or limitations; providing requirements  
16      for benefits offered to a crime scene investigator for  
17      posttraumatic stress disorder; specifying when a claim  
18      for posttraumatic stress disorder must be noticed;  
19      requiring a crime scene investigator's employing  
20      agency to provide specified mental health training;  
21      requiring the Department of Financial Services to  
22      adopt rules; declaring that the act fulfills an  
23      important state interest; providing an effective date.

24  
25   Be It Enacted by the Legislature of the State of Florida:

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27       Section 1. Subsection (1) of section 112.1815, Florida  
28       Statutes, is amended to read:

29       112.1815 Firefighters, paramedics, emergency medical

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30 technicians, and law enforcement officers; special provisions  
31 for employment-related accidents and injuries.-

32 (1) ~~The term "first responder"~~ As used in this section, the  
33 term "first responder" means any of the following persons who is  
34 a full-time paid employee, a part-time paid employee, or an  
35 unpaid volunteer:

36 (a) A law enforcement officer, as defined in s. 943.10(1).  
37 ~~s. 943.10,~~

38 (b) A firefighter, as defined in s. 633.102, ~~or~~

39 (c) An emergency medical technician or a paramedic, as  
40 those terms are defined in s. 401.23.

41 (d) A correctional officer, as defined in s. 943.10(2).

42 (e) A 911 public safety telecommunicator, as defined in s.  
43 401.465(1).

44 (f) A federal law enforcement officer, as defined in s.  
45 901.1505(1) ~~employed by state or local government. A volunteer~~  
46 ~~law enforcement officer, firefighter, or emergency medical~~  
47 ~~technician or paramedic engaged by the state or a local~~  
48 ~~government is also considered a first responder of the state or~~  
49 ~~local government for purposes of this section.~~

50 Section 2. Subsection (2) of section 112.18155, Florida  
51 Statutes, is amended to read:

52 112.18155 Correctional officers; special provisions for  
53 posttraumatic stress disorders.-

54 (2) For purposes of this section and chapter 440, and  
55 notwithstanding ss. 440.093 and 440.151(2), posttraumatic stress  
56 disorder, as described in the Diagnostic and Statistical Manual  
57 of Mental Disorders, Fifth Edition, published by the American  
58 Psychiatric Association, suffered by a correctional officer is a

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59 compensable occupational disease within the meaning of s.  
60 440.151 if both of the following apply:

61 (a) The posttraumatic stress disorder resulted from the  
62 correctional officer acting within the course of his or her  
63 employment ~~as provided in s. 440.091.~~

64 (b) The correctional officer is examined and subsequently  
65 diagnosed with such disorder by a licensed psychiatrist, in  
66 person or through telehealth as that term is defined in s.  
67 456.47(1), who is an authorized treating physician as provided  
68 in chapter 440 due to one of the following events:

69 1. Being taken hostage by an inmate or trapped in a life-  
70 threatening situation as a result of an inmate's act;

71 2. Directly witnessing a death, including a death due to  
72 suicide, of a person who suffered grievous bodily harm of a  
73 nature that shocks the conscience;

74 3. Directly witnessing an injury, including an attempted  
75 suicide, to a person who subsequently dies before or upon  
76 arrival at a hospital emergency department if the person was  
77 injured by grievous bodily harm of a nature that shocks the  
78 conscience;

79 4. Participating in the physical treatment of an injury, or  
80 manually transporting a person who was injured, including by  
81 attempted suicide, who subsequently dies before or upon arrival  
82 at a hospital emergency department if the person was injured by  
83 grievous bodily harm of a nature that shocks the conscience;

84 5. Directly witnessing a homicide regardless of whether the  
85 homicide was criminal or excusable, including murder, mass  
86 killing, manslaughter, self-defense, misadventure, and  
87 negligence; or

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88           6. Seeing for oneself a decedent whose death involved  
89 grievous bodily harm of a nature that shocks the conscience.

90           Section 3. Section 112.18156, Florida Statutes, is created  
91 to read:

92           112.18156 Crime scene investigators; special provisions for  
93 posttraumatic stress disorders.-

94           (1) As used in this section, the term:

95           (a) "Advanced stage of decomposition" means the breaking  
96 down of soft tissue, skin, and hair, as well as muscle and  
97 connective tissue.

98           (b) "Crime scene investigator" means a forensic member of a  
99 law enforcement agency, government, or civilian crime laboratory  
100 whose primary responsibility is to document, identify, collect,  
101 or preserve forensic evidence relevant to a law enforcement,  
102 death, or natural disaster investigation, and whose primary  
103 responsibilities include, but are not limited to, collecting  
104 evidence such as fingerprints, footprints, tire tracks, blood  
105 and other biological fluids, fibers, and fire debris.

106           (c) "Directly witnessing" means to see or hear for oneself.

107           (d) "Mass killing" means three or more killings in a single  
108 incident.

109           (2) For purposes of this section and chapter 440, and  
110 notwithstanding ss. 440.093 and 440.151(2), posttraumatic stress  
111 disorder, as described in the Diagnostic and Statistical Manual  
112 of Mental Disorders, Fifth Edition, published by the American  
113 Psychiatric Association, suffered by a crime scene investigator  
114 is a compensable occupational disease within the meaning of s.  
115 440.151 if both of the following apply:

116           (a) The posttraumatic stress disorder resulted from the

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117 crime scene investigator acting within the course of his or her  
118 employment.

119 (b) The crime scene investigator is examined and  
120 subsequently diagnosed with such disorder by a licensed  
121 psychiatrist, in person or through telehealth as that term is  
122 defined in s. 456.47(1), who is an authorized treating physician  
123 as provided in chapter 440 due to one of the following events:

124 1. Directly witnessing a death, including a death due to  
125 suicide, that involved grievous bodily harm of a nature that  
126 shocks the conscience;

127 2. Directly witnessing the death of a minor;

128 3. Directly witnessing an injury, including an attempted  
129 suicide, to a person who subsequently dies before or upon  
130 arrival at a hospital emergency department if the person was  
131 injured by grievous bodily harm of a nature that shocks the  
132 conscience;

133 4. Directly witnessing an injury to a minor who  
134 subsequently dies before or upon arrival at a hospital emergency  
135 department;

136 5. Directly witnessing a homicide regardless of whether the  
137 homicide was criminal or excusable, including murder, mass  
138 killings, manslaughter, self-defense, misadventure, and  
139 negligence;

140 6. Seeing for oneself a deceased minor;

141 7. Seeing for oneself a decedent whose death involved  
142 grievous bodily harm of a nature that shocks the conscience; or

143 8. Seeing for oneself a decedent who is in an advanced  
144 stage of decomposition.

145 (3) The posttraumatic stress disorder must be demonstrated

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146 by clear and convincing medical evidence.

147 (4) Benefits for a crime scene investigator under this  
148 section:

149 (a) Do not require a physical injury to the crime scene  
150 investigator.

151 (b) Are not subject to any of the following:

152 1. Apportionment due to a preexisting posttraumatic stress  
153 disorder.

154 2. Any limitation on temporary benefits under s. 440.093.

155 3. The 1-percent limitation on permanent psychiatric  
156 impairment benefits under s. 440.15(3).

157 (5) The time for notice of injury or death in cases of  
158 compensable posttraumatic stress disorder under this section is  
159 the same as in s. 440.151(6) and is measured from one of the  
160 qualifying events listed in paragraph (2)(b) or the diagnosis of  
161 the disorder, whichever is later. A claim under this section  
162 must be properly noticed within 52 weeks after the qualifying  
163 event or the diagnosis of the disorder, whichever is later.

164 (6) The employing agency of a crime scene investigator must  
165 provide educational training related to mental health awareness,  
166 prevention, mitigation, and treatment.

167 (7) The Department of Financial Services shall adopt rules  
168 specifying injuries qualifying as grievous bodily harm of a  
169 nature that shocks the conscience for the purposes of this  
170 section.

171 Section 4. The Legislature determines and declares that  
172 this act fulfills an important state interest.

173 Section 5. This act shall take effect July 1, 2024.